

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: David P. Martin, Oliver P. Peoples, and Simon F. Williams

Serial No.: 09/591,739

Art Unit: 1651

Filed: June 12, 2000

Examiner: H. Lilling

For: *METHODS FOR ISOLATING POLYHYDROXYALKANOATES  
FROM PLANTS*

Assistant Commissioner for Patents  
Washington, D.C. 20231

**RESPONSE TO OFFICE ACTION**

Sir:

In response to the Office Action mailed February 20, 2002 please consider the following remarks. It is believed that no fee is required with this submission. However, should a fee be required, the Commissioner is hereby authorized to charge any fees to Deposit Account No. 50-1868.

**Remarks****Rejection under 35 U.S.C. § 102/103**

Claims 36-44 are pending. Claims 39-40 were withdrawn from consideration. Claims 36-38 and 41-44 were rejected under 35 U.S.C. § 102(b) as anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as over U.S. Patent No. 6,083,729 to Martin et al. ("Martin"). The applicants respectfully traverse the rejection.

Please type a plus sign (+) inside this box → ☐

PTO/SB/21 (08-00)

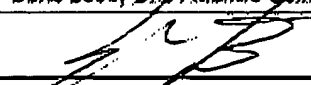
Approved for use through 10/31/2002, OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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<b>TRANSMITTAL FORM</b>  <i>(to be used for all correspondence after initial filing)</i>	Application Number	09/591,739
	Filing Date	June 12, 2000
	First Named Inventor	David P. Martin et al.
	Group Art Unit	1651
	Examiner Name	H. Lilling
Total Number of Pages in This Submission	Attorney Docket Number	MBX 012 CON

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Apparatus Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Certificate of Facsimile
Remarks: _____		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Zhaoyang Li, Reg. No. 46,872 Suite 2000, One Atlantic Center, 1201 West Peachtree Street, N.E., Atlanta, GA 30309-3400 Holland & Knight LLP
Signature	
Date	May 20, 2002

CERTIFICATE OF MAILING	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: <u>May 20, 2002</u>	
Typed or printed name	See Attached Certificate of Facsimile Transmission
Signature	Date <u>May 20, 2002</u>

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PTO/SB/17 (11-01)

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**FEE TRANSMITTAL**  
**for FY 2002**

Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT**(\$)**0.00****Complete if Known**

Application Number	09/591,739
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First Named Inventor	David P. Martin, et al
Examiner Name	H. Lilling
Group Art Unit	1651
Attorney Docket No.	MBX 012 CON

**METHOD OF PAYMENT (check all that apply)**
☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None
☒ Deposit Account:Deposit  
Account  
Number  
Deposit  
Account  
Name

50-1868

Holland &amp; Knight LLP

The Commissioner is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Credit any overpayments  
☒ Charge any additional fee(s) during the pendency of this application  
☒ Charge fee(s) indicated below, except for the filing fee to the above identified deposit account.
**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity | Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
101 740	201 370	Utility filing fee	
108 330	206 165	Design filing fee	
107 510	207 255	Plant filing fee	
108 740	208 370	Reissue filing fee	
114 150	214 80	Provisional filing fee	

**SUBTOTAL (1)** (\$)**0.00****2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

Total Claims	Extra Claims	Fee from below	Fee Paid
9	20		
1	3		

Large Entity | Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Description
103 18	203 8	Claims in excess of 20
102 84	202 42	Independent claims in excess of 3
104 280	204 140	Multiple dependent claim, if not paid
109 84	209 42	** Reissue independent claims over original patent
110 18	210 8	** Reissue claims in excess of 20 and over original patent

**SUBTOTAL (2)** (\$)**0.00**

\*\*or number previously paid, if greater; For Reissues, see above

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Entity | Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
106 130	205 65	Surcharge - late filing fee or oath	
127 50	227 25	Surcharge - late provisional filing fee or cover sheet	
138 130	138 130	Non-English specification	
147 2,520	147 2,520	For filing a request for ex parte reexamination	
112 920*	112 920*	Requesting publication of SIR prior to Examiner action	
113 1,840*	113 1,840*	Requesting publication of SIR after Examiner action	
115 110	215 55	Extension for reply within first month	
116 400	216 200	Extension for reply within second month	
117 820	217 400	Extension for reply within third month	
118 1,440	218 720	Extension for reply within fourth month	
128 1,980	228 980	Extension for reply within fifth month	
119 320	219 160	Notice of Appeal	
120 320	220 160	Filing a brief in support of an appeal	
121 280	221 140	Request for oral hearing	
138 1,510	138 1,510	Petition to institute a public use proceeding	
140 110	240 55	Petition to revive - unavoidable	
141 1,280	241 640	Petition to revive - unintentional	
142 1,280	242 640	Utility issue fee (or reissue)	
143 480	243 230	Design issue fee	
144 820	244 310	Plant issue fee	
122 130	122 130	Petitions to the Commissioner	
123 50	123 50	Processing fee under 37 CFR 1.17(g)	
126 180	126 180	Submission of Information Disclosure Stmt	
681 40	681 40	Recording each patent assignment per property (times number of properties)	
146 740	246 370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149 740	249 370	For each additional invention to be examined (37 CFR § 1.129(b))	
178 740	279 370	Request for Continued Examination (RCE)	
189 900	189 900	Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

**SUBTOTAL (3)** (\$)**0.00****SUBMITTED BY**

Name (Print/Type)

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46,872

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Signature

Date

May 20, 2002

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U.S.S.N. 09/591,739

Filed: June 12, 2000

**RESPONSE TO OFFICE ACTION****CERTIFICATE OF FACSIMILE TRANSMISSION**

I hereby certify that this paper, along with any paper referred to as being attached or enclosed is being deposited with the United States Postal Service on the date, shown below with sufficient postage as first-class mail, to the U.S. Patent and Trademark Office, Washington, DC 20231.

  
Peggy D. Bailey

Date: May 20, 2002